

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE ENGELMAYER

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Joel M. Eisenberg,

Plaintiff,

- against -

Cohen & Slamowitz, LLP,

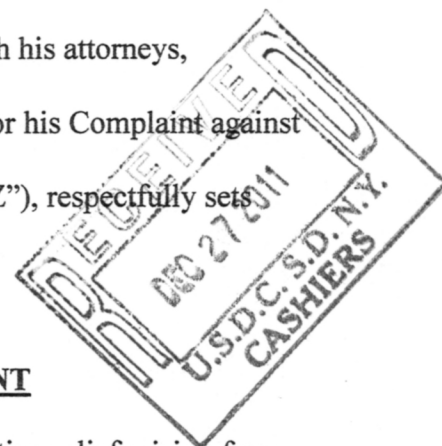
Defendant.
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11 CV 9518
Civil Action No. 11 CV 9518

ECF Case - PAE

**COMPLAINT AND
DEMAND FOR TRIAL BY JURY**

Plaintiff Edward Honig ("Plaintiff" or "Eisenberg"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Cohen & Slamowitz, LLP ("Defendant" or "SLAMOWITZ"), respectfully sets forth, complains and alleges, upon information and belief, the following:



INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Orange, residing at 2 Shinev Court, Monroe, New York 10950.

3. Upon information and belief, the Defendant is a law firm specializing in debt collection, with a principal place of business at 199 Crossways Park Drive, Woodbury, NY 11797, and is authorized to do business in the State of New York.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 USC Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 USC. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 USC Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").
9. On or about February 1, 2011, Defendant sent a letter to the Plaintiff in which the balance due was stated as \$8,881.52.
10. Said letter was signed by Cohen & Slamowitz, LLP.
11. Upon information and belief, the Defendant's letter dated February 1, 2011 was mass produced and mass mailed, and no attorney had actually reviewed the subject collection matter.
12. Said letter neglected to disclose that no attorney had actually reviewed the subject collection matter.
13. This lack of actual attorney involvement violated the FDCPA, 15 U.S.C. § 1692e(3).
14. As a result of Defendant's deceptive, misleading and/or unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(3).

17. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

18. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Joel M Eisenberg, on his behalf, demands judgment against the Defendant Cohen & Slamowitz, LLP, as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
 - B. For statutory damages provided and pursuant to 15 USC Sec.1692k(a)(2)(A);
 - C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
 - D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
December 12, 2011

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

Attorneys at Law

Attorney for Plaintiff

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